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William Phelan

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EXAMINER

SWARTZ, JAMIE H

ART UNIT

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/993,992	Applicant(s) PHELAN ET AL.	
	Examiner JAMIE H. SWARTZ	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 7-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status

1. This action is in response to the amendment filed on August 25, 2008. Claims 1-34 are pending. Claims 7-33 are withdrawn. Claims 1-6 and 34 have been amended. No claims have been added.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6 and 34 have been considered but are moot in view of the new ground(s) of rejection.

3. Also, Examiner notes that, as per MPEP § 2144.03(C), the statements of Official Notice made in the art rejection have been established as admitted prior art since Applicant has not traversed the Examiner's assertions of Official Notice. More specifically, the following statements of Official Notice are now formally established on record as admitted prior art: the six steps taken in claim 5 with respect to search criteria are old and well known in the art at the time of the invention to be basic steps in a typical search query

Specification

4. The amendment filed August 25, 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The applicant

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included details of the payment history data being indicative of quality of credit associated with a customer. There is no teaching of any type of quality in the specification, thus this is new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1 and 34 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant included details of the payment history data being indicative of quality of credit associated with a customer. There is no teaching of any type of quality in the specification, thus this is new matter.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-6 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Regarding claims 1 and 34, the phrase "a quality of credit" renders the claim indefinite because it is unclear what the applicant is referring to when stating a quality of credit. Is the applicant referring to good vs. bad credit for an individual? Is the applicant referring to accurate vs. inaccurate information? Is the quality of information labeled? How do you know if the data history indicates or is indicative to a quality of credit or not?
10. Claims 2-6 are also rejected as being dependent on rejected claim 1.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 3, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrader et al. (US 5903881 A) in view of Peters (1995).
13. Regarding claim 1, Schrader teaches automatically exchanging credit information (see at least col. 16, line 40 – col. 17, line 20). Schrader teaches obtaining payment history data from a member's accounting system, wherein the payment history data is associated with at least one of a plurality of customers (see at least col. 10, lines 9-54, col. 5, line 60 – col. 7, line 15, col. 19, lines 25-46). Schrader teaches creating a

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payment history file that contains the payment history data (see at least col. 12, lines 28-62, col. 13, line 10 – col. 14, line 50). Schrader teaches loading the payment history file through the Internet to a system database (see at least col. 12, lines 28-62, col. 13, line 10 – col. 14, line 50). Schrader teaches validating the payment history data by comparing the obtained history data to a data record associated with the first customer if the data record associated with the first customer is present in a centralized data repository (col. 11, line 56 – col. 12, line 26, col. 16, line 62 – col. 18, line 43). Schrader teaches evaluating the payment history data in the payment history file (see at least col. 5, line 60 – col. 7, line 15). Schrader teaches formatting the payment history file into a payment history report (col. 13, line 42 – 45). Schrader teaches storing the payment history report in the centralized data repository (see at least col. 13, line 5 – col. 14, line 56). Schrader does not specifically teach a quality of credit. However, Peters teaches wherein payment history data is indicative of a quality of credit (pg. 1-7). Schrader teaches integrating banking tasks and information such as credit information and payment history users need to perform a variety of useful banking activities. Peters teaches an exchange of credit information including payment history. It would have been obvious to one of ordinary skill in the art at the time of the invention to use information indicative of quality of credit as in the improvement discussed in Peters in the system executing the method of Schrader. As in Peters, it is within the capabilities of one of ordinary skill in the art to have credit information of more quality when assessing payment history data. Schrader teaches a report generation module but does not specifically teach providing payment history report to a requestor. However, Peters

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teaches providing the payment history report to a requestor upon receiving a request corresponding to the first one customer (pg. 1-7). One of ordinary skill in the art would have recognized that applying the known technique of Peters would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Peters to the teachings of Schrader would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data requesting features into similar systems. Further, applying a response to a payment history request to Schrader would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow more functionality to Schrader. Adding a requesting function to a piece of software was known at the time of the invention.

14. Regarding claim 3, Schrader teaches automatically obtaining and exchanging credit information (see at least col. 16, line 40 – col. 17, line 20). Schrader opening the payment history; determining the payment history file type; validating the format of the payment history file; loading the payment history file into a system database file (col. 10, line 54 – col. 11, line 40, col. 18, line 8-17, col. 16, line 40-61, col. 13, line 7 – col. 14, line 57, col. 17, line 5-11, col. 18, line 46-65, col. 15, line 55 – col. 16, line 21, claim 7). Schrader teaches performing a scrubbing routine on the payment history data to remove suspect payment history data (col. 11, line 56 – col. 12, line 26, col. 16, line 62 – col. 18, line 43). Schrader teaches performing matching routines on the payment history data, wherein new lenders are created if no matching lender is found in the

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system database, and at least one of adding or updating payment history data in the system database is performed if a matching lender is found in the system database (col. 9, line 19-30, col. 16, line 63 - col. 18, line 62).

15. Regarding claim 34, Schrader teaches automatically obtaining and exchanging credit information (see at least col. 16, line 40 – col. 17, line 20). Schrader teaches obtaining payment history data from a member's accounting system over the Internet, wherein the payment history data is associated with at least a first customer (see at least col. 10, lines 9-54, col. 5, line 60 – col. 7, line 15). Schrader teaches attempting to retrieve customer data associated with the first customer from a centralized data repository (col. 13, line 10 – col. 14, line 50). Schrader teaches validating the payment history data by comparing the obtained history data to the historical payment customer data associated with the first customer (col. 11, line 56 – col. 12, line 26, col. 16, line 62 – col. 18, line 43). Schrader teaches formatting the payment history data into a payment history report and storing the payment history report in the centralized data repository (see at least col. 13, line 5 – col. 14, line 56). Schrader does not specifically teach a quality of credit. However, Peters teaches wherein payment history data is indicative of a quality of credit (pg. 1-7). Schrader teaches integrating banking tasks and information such as credit information and payment history users need to perform a variety of useful banking activities. Peters teaches an exchange of credit information including payment history. It would have been obvious to one of ordinary skill in the art at the time of the invention to use information indicative of quality of credit as in the improvement

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discussed in Peters in the system executing the method of Schrader. As in Peters, it is within the capabilities of one of ordinary skill in the art to have credit information of more quality when assessing payment history data. Schrader teaches a report generation module but does not specifically teach providing payment history report to a requestor. However, Peters teaches providing the payment history report to a requestor upon receiving a request corresponding to the first one customer (pg. 1-7). One of ordinary skill in the art would have recognized that applying the known technique of Peters would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Peters to the teachings of Schrader would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data requesting features into similar systems. Further, applying a response to a payment history request to Schrader would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow more functionality to Schrader. Adding a requesting function to a piece of software was known at the time of the invention.

16. Claim 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrader et al. (US 5903881 A) in view of Peters (1995) in further view of Basch et al. (US 6119103 A).

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17. Regarding claim 2, Schrader teaches automatically obtaining and exchanging credit information (see at least col. 16, line 40 – col. 17, line 20). Schrader teaches modeling (see at least col. 5, line 60 – col. 7, line 15). Schrader does not specifically teach scoring. However Basch teaches scoring of customer information (col. 3, line 50 – col. 20, line 53). Schrader teaches online banking and financial transactions and using that data for further functions. Basch teaches receiving transaction data pertaining to a plurality of transactions for a financial account and using that data for further functions. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schrader to include the details of credit scoring. Schrader uses the financial information such as bill payment and account balances used for credit scoring. It is the responsibility of a prudent business owner to evaluate the credit worthiness of customers before extending credit. Since the customer information and past credit history is in financial programs it would have been obvious to add credit evaluation to this tool in order to identify credit risks and problematic accounts.

18. Regarding claim 6, Schrader teaches automatically obtaining and exchanging credit information (see at least col. 16, line 40 – col. 17, line 20). Schrader teaches modeling (see at least col. 5, line 60 – col. 7, line 15). Schrader does not specifically teach scoring. However Basch teaches computing summary and scoring information, including a high credit value, a total lease balance, total current payments, and a total number of times a customer had an overdue payment; and displaying the summary information (col. 3, line 50 – col. 20, line 53). Schrader teaches online banking and

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financial transactions and using that data for further functions. Basch teaches receiving transaction data pertaining to a plurality of transactions for a financial account and using that data for further functions. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schrader to include the details of credit scoring. Schrader uses the financial information such as bill payment and account balances used for credit scoring. It is the responsibility of a prudent business owner to evaluate the credit worthiness of customers before extending credit. Since the customer information and past credit history is in financial programs it would have been obvious to add credit evaluation to this tool in order to identify credit risks and problematic accounts.

19. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schrader et al. (US 5903881 A) in view of Peters (1995) in further view of Mullins (August 1998).

20. Regarding claim 4, Schrader teaches a scrubbing routine on the payment history and modifying the payment history data (col. 11, line 56 - col. 12, line 26, col. 16, line 62 - col. 18, line 43). Schrader does not specifically teach thresholds within a scrubbing routine. However, Mullins teaches performing a scrubbing routine on the data further comprises the step of modifying the suspect data based upon thresholds set by the member (pg. 1-6). Schrader teaches online banking and financial transactions and using that data for further functions. Mullins teaches data mining and data cleansing. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schrader to include the details of a threshold. It is important to validate data in

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order to prevent processing errors in the future. The threshold to data scrubbing is a necessity because data scrubbing is by nature something that could go on until infinity. It is a resource application problem. Some limits need to be placed in order to avoid using up all your resources. While these small errors may seem like a trivial problem, when merging corrupt or erroneous data into multiple databases, the problem may be multiplied by the millions. This so-called "dirty data" has been a problem as long as there have been computers, but the problem is becoming more critical as businesses are becoming more complex and data warehouses are merging data from multiple sources. There is no point in having a comprehensive database if that database is filled with errors and disputed information.

21. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schrader et al. (US 5903881 A) in view of Peters (1995) in further view of Official Notice now admitted prior art.

22. Regarding claim 5, Schrader teaches automatically obtaining and exchanging credit information (see at least col. 16, line 40 – col. 17, line 20). Schrader teaches formatting the payment history file into a payment history report (col. 13, line 42 – 45). However, Schrader does not specifically teach search criteria. However, Official notice now admitted prior art is taken that the six steps taken in claim 5 with respect to search criteria are old and well known in the art at the time of the invention to be basic steps in a typical search query. Every search query involves first having a criteria or search

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topic. The databases are then searched for whatever specific details that are desired.

As each search is run a search history keeps the log of the search. If a match to the query is found the customer data is displayed. The final steps to a typical search query involve generating a report and either displaying it on a computer screen or printing the data out. Schrader teaches a report generation module but does not specifically teach providing payment history report to a requestor. However, Peters teaches providing the payment history report to a requestor upon receiving a request corresponding to the first one customer (pg. 1-7). One of ordinary skill in the art would have recognized that applying the known technique of Peters would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Peters to the teachings of Schrader would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data requesting features into similar systems. Further, applying a response to a payment history request to Schrader would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow more functionality to Schrader. Adding a requesting function to a piece of software was known at the time of the invention.

23. Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

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may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE H. SWARTZ whose telephone number is (571)272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. S./
Examiner, Art Unit 3694

/Mary Cheung/
Primary Examiner, Art Unit 3694